

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

MINUTES

LEGAL AND CLAIMS COMMITTEE

March 12, 2013

Director Quiñonez called the meeting to order at 9:36 a.m. in Committee Room 2-145 at Metropolitan's Headquarters.

Members present: Directors Ackerman, Ballin, Camacho, Dick, Edwards, Griset, Quiñonez, Record, and Vasquez.

Members absent: Chair Fleming, Vice Chair Wunderlich, Directors Mudd and Steiner.

Other Board members present: Directors Babcock, Barbre, Brown, Evans, Lewinger, Little, Morris, Peterson, Pringle, Wilson, and Wright.

Staff present: Scully, Bennion, Beatty, Breaux, Burman, Cole, Donhoff, Ghaly, Green, Hasencamp, Johnson, Kightlinger, Man, Mares, Miyashiro, Patterson, Riss, Schlotterbeck, Upadhyay, Vanderhorst, Waade, Yenke, and Zinke.

1. OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO ADDRESS THE COMMITTEE ON MATTERS WITHIN THE COMMITTEE'S JURISDICTION

No members responded.

2. APPROVAL OF THE MINUTES OF THE LEGAL AND CLAIMS COMMITTEE MEETING HELD FEBRUARY 12, 2013.

Motion Carried Moved: Director Ballin Seconded: Director Edwards

Votes: Unanimous

3. CONSENT CALENDAR ITEMS – ACTION

None

4. OTHER BOARD ITEMS – ACTION

None

5. BOARD INFORMATION ITEMS

None

6. COMMITTEE ITEMS

a. Subject: General Counsel's report of monthly activities

Presented by: General Counsel Marcia Scully

General Counsel Marcia Scully informed the committee that a ruling in the state QSA litigation has been deferred until June 3, 2013.

She also mentioned a new bill, AB 147, was introduced to create a Salton Sea Authority to develop a dust mitigation program and determine funding sources.

In the Hyatt-Thermalito matter, Ms. Scully mentioned the favorable ruling by the appellate court. The deadline for appellants to request a re-hearing passed with no request being made. The deadline to request further review by the Supreme Court is March 27.

Ms. Scully also gave an update on the Tronox matter. The Environmental Trust and the Nevada Division of Environmental Protection are developing a program for investigation and remediation. Metropolitan and the other Trust stakeholders, Arizona and Nevada, will participate in a review of the program and its objectives. She stated that this site is forecasted as a 30-70 year clean-up and stressed the need for Metropolitan to stay involved.

The General Counsel reminded the directors that the statutory deadline to file their Form 700 is April 1, 2013.

b. Subject: Report on *Consolidated Delta Smelt Cases*, USDC Case No. 1:09-CV-407 LJO-DLB; and *Consolidated Salmonid Cases*, USDV Case No. 1:09-CV-1053 LJO-DLB

Presented by: General Counsel Marcia Scully

In closed session, General Counsel Marcia Scully gave a report on this item. No action was taken.

- c. Subject: Report on *San Diego County Water Authority v. Metropolitan Water District of Southern California, et al.*, San Francisco County Superior Court Case No. CPF-10-510830 and No. CPF-12-512466

Presented by: Assistant General Counsel Heather Beatty

Directors Lewinger and Wilson, representing the San Diego County Water Authority, withdrew from the meeting for the report on this item.

In closed session, Assistant General Counsel Heather Beatty gave a report on this item. No action was taken.

- d. Subject: Report on status of seismic safety repairs at Perris Dam; discussion of legal strategies and options for challenging Department of Water Resources' allocation of repair costs

Presented by: Senior Deputy General Counsel John Schlotterbeck

In closed session, Senior Deputy General Counsel John Schlotterbeck gave a report on this item. No action was taken.

7. FOLLOW-UP ITEMS

None

8. FUTURE AGENDA ITEMS

None

Next meeting will be held on April 9, 2013.

Meeting adjourned at 10:33 a.m.

Jesús Quiñonez
Director